

Expenses, how paid.

SEC. 4. The expenses incurred in the survey and location of said road shall be paid by the several counties through which such road shall pass, in proportion to the length of such road lying in said counties respectively.

Compensation of Commissioners, etc.

SEC. 5. The said commissioners shall be allowed the sum of two (2) dollars each per day, for the time necessarily occupied in the performance of the duties imposed by this act, which sums together with reasonable wages for one surveyor, one axman and two chainmen, shall be paid by the several counties as provided in section four (4) of this act.

When act to take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 11, 1871.

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## CHAPTER CXXII.

March 6, 1871.

*An Act to locate and establish a State Road from the City of St. Cloud, to the Town of St. Joseph, in Stearns County, Minnesota.*

- SECTION 1.** Commissioners appointed to locate, survey and establish said road.
2. Where and when to meet.
  3. May employ competent surveyor, etc.—compensation.
  4. Commissioners to file plat of said road.
  5. Damages sustained, how ascertained.
  6. When plat to be submitted to Board of Commissioners for approval.
  7. Duty of County Commissioners.
  8. Expenses, how paid.
  9. Right of appeal.
  10. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Bartholomew P——, J. B. Getchell and Wm. Mulliken, of the county of Stearns, and state-

of Minnesota, be and hereby are appointed commissioners to lay out, locate, survey and establish, a state road from the westerly end of Breckenridge avenue in the city of St. Cloud, county and state aforesaid, via the bridge across Sauk River, upon section eight, township number one hundred and twenty-four north, of range number twenty-eight west, to the easterly end of Minnesota street, in the village of St. Joseph, county and state aforesaid.

Commissioners appointed to locate said road.

SEC. 2. It shall be the duty of said commissioners or a majority of them, to meet at the county auditor's office in said city of St. Cloud, on or before the twenty-seventh day of February, A. D. one thousand eight hundred and seventy-one, and there make oath that they will faithfully discharge their duties as provided by this act, and impartially assess damage, if any they find to be sustained, by the owners of lands through which said road may run, which oath shall be filed in said auditor's office, and then proceed to the discharge of their duties.

Where and when to meet.

SEC. 3. The said commissioners are hereby authorized to employ in discharging said duties, one surveyor and one chairman. The said commissioners shall receive for their services three dollars per day while actually employed, the said surveyor shall receive no more than four dollars per day, and the said chairman no more than one dollar and fifty cents per day.

May employ surveyor, etc.— compensation.

SEC. 4. The said commissioners shall cause the surveyor so employed, to make an accurate plat of said road, showing its survey and location, particularly describing the line thereof by metes and bounds, courses and distances, which plat shall after approval as hereinafter provided, be filed in the office of the register of deeds of said Stearns county, and shall be prima facie evidence in all of the courts of this state, of the location, survey and establishment of said road and every part thereof.

To file plat of road.

SEC. 5. The said commissioners shall assess such damages sustained by the owners of lands through which said road may be located, as they may deem just, taking the advantages and benefits derived therefrom into consideration.

Damages, how ascertained.

SEC. 6. The said commissioners shall at the first regular or special session of the board of county commissioners of said Stearns county, held after they shall have performed their duties, submit to said board the plat made by said surveyor, for approval, together with a

Plat to be submitted to Board for approval.

report of their doings under this act, and the assessment of damages made by them as aforesaid.

Duty of County  
Commissioners.

SEC. 7. The said county commissioners shall approve or disapprove said plat and survey, and shall approve, confirm, modify or reject the assessment of damages made by said commissioners, to the owners of lands through which said road may be located.

Expenses, how  
paid.

SEC. 8. The said county commissioners shall, if they approve said plat and survey, cause the orders of the county of Stearns to be issued in payment of the expenses of said location and survey, and shall also issue the orders of said county in payment of damages to the owners of lands sustaining damage, in such amounts as shall be assessed by said road commissioners, as approved or modified by said county commissioners.

Right of appeal.

SEC. 9. Any person aggrieved by such assessment of damages, or by reason of neglect and refusal to allow damages in the location of said road may appeal from the action of said road commissioners and said county commissioners, to the district court of said Stearns county. Said appeal shall be taken within ten days after the session of said board of county commissioners at which said plat and report are presented, by serving upon the county attorney of said Stearns county a notice of said appeal, and a copy of the appellant's complaint therein. Like pleadings and proceedings shall then be had as in actions originally commenced in said district court.

When act to take  
effect.

SEC. 10. This act shall take effect from and after its passage.

Approved March 6, 1871.